



## NEW JERSEY STATE DEPARTMENT OF EDUCATION

April 5, 2011

Title I Equitable Services

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### Title I Equitable Services

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- Background
- Consultation
- Generating Funds
- Designing the Program
- Selection Criteria
- Maintaining Control of the Program
- Evaluation of the Program
- Title I Funds Not to Benefit the General Needs of the Private School
- Contracts

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### Title I Equitable Services

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A LITTLE BACKGROUND

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## Title I Equitable Services



Section 1120 of Elementary and Secondary Education Act (ESEA) requires participating Local Education Agencies (LEAs) to provide eligible private school students, their teachers and families with Title I services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families.

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## Title I Equitable Services



**Why?**



- Low-income parents with private school children are included in the census poverty counts that generate funds the LEA's use for Title I services.
- Child Benefit Theory.

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## Title I Equitable Services

Under the Child Benefit Theory Title I services:



- Benefit the individual child, not the private school.
- Are provided by the LEA, not the private school.

*This theory was developed to comply with the Constitutional prohibition against Federal funding to private schools.*

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## Title I Equitable Services

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ED may not waive the statutory and regulatory requirements relating to equitable services.

Questions D-1 and D-6 April 2009 Guidance




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## Title I Equitable Services

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### Elementary and Secondary Act (ESEA)

- Section 1120
- Section 1115

A-87  
A-133

### Title I Regulations

- Section 200.62
- Section 200.63
- Section 200.64
- Section 200.65
- Section 200.66
- Section 200.67

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## Title I Equitable Services

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Let's start at the very beginning...




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## Title I Equitable Services

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**Consultation**

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## Title I Equitable Services

Where do we find the reference?



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## Title I Equitable Services

Section 1120(b) requires LEAs to consult with private school officials during the design and development of the Title I program.

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## Title I Equitable Services

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Consultation involves discussions between public and private school officials on key issues that affect the ability of eligible private school students to participate equitably in Title I programs.

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## Title I Equitable Services

14

Consultation must occur in a timely and meaningful manner during the:

- Design
- Development, and
- Implementation of the program.




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## Title I Equitable Services

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Genuine opportunity for all parties to express their views and to have those views heard.

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## Title I Equitable Services

16

LEA must maintain written affirmation signed by each private school official or their appropriate representative that consultation has occurred.




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## Title I Equitable Services

17

Section 200.63 of the Title I regulations lists required consultation topics:

- Needs of eligible children.
- Services to be provided.
- How, where and by whom.
- Evaluation of the program.
- Size and scope of the services.
- Data for poverty count.
- How and when the LEA will make decisions.
- Activities for teachers and families of participants.
- Third party contract.




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## Title I Equitable Services

18

Private school officials have the right to complain to the SEA if the LEA didn't engage in timely and meaningful consultation or give adequate consideration to the views of private school officials.




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## Title I Equitable Services

19

### Generating the Funds

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## Title I Equitable Services

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The amount of Title I funding available is based on the number of private school children who reside in a Title I public school attendance area and are from low-income families.




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## Title I Equitable Services

21

**Measures of Poverty** – An LEA may calculate poverty in several ways:

- Same measure of poverty as public schools (FARMs).
- Using comparable data from a survey and extrapolating.
- Using comparable data from a different source (TANF).
- Using proportionality.
- Using an equated measure.

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## Title I Equitable Services

22

### Extrapolating

When an LEA uses a survey to collect poverty information, if all surveys are not returned, the LEA must, after obtaining income data from a representative sample of families with children in private school, extrapolate those data.

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## Title I Equitable Services

23

### Proportionality

An LEA may apply the low-income percentage of each participating public school attendance area to the number of private school children who reside in that attendance area.

For example, an LEA calculates the percentage of those from low-income families in a public school attendance area to be 60 percent. The LEA then applies this percentage to the number of private school children residing in that attendance area.

So, if the number of private school children residing in that attendance area is 50, then 60 percent of 50 children, or 30 children, are considered to be low-income.

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## Title I Equitable Services

24

### Using an Equated Measure

$$\frac{\text{TANF (public)}}{\text{free \& reduced priced meals (public)}} = \frac{\text{TANF (private)}}{\text{x (private)}}$$

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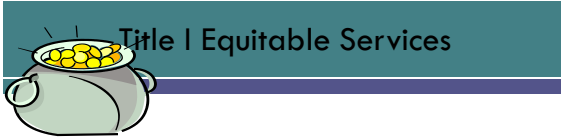
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Generating Funds for Title I Services  
Step 1

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Private school children who  
reside in Title I public school attendance areas and are  
from  
low-income families  
generate the same per-pupil amount as they would  
have had they attended their neighborhood or zoned  
Title I public school.

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**Name of Private School:** New Jersey Private School

Public School	# of Low-Income Students	Per Pupil	Amount Generated
Lincoln	6	\$500	\$3,000
Adams	2	\$450	\$900
Bentley	7	\$300	\$2100
Charles	1	\$0	\$0
<b>TOTAL</b>			<b>\$6000</b>

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## Title I Equitable Services

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If the LEA has reserved funds for districtwide activities, equitable services may apply.

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## Title I Equitable Services

29

This requirement does not apply to reservations for:

- Homeless,
- Pre-k, or
- Neglected or delinquent programs.




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## Title I Equitable Services

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Section 200.64(a)(2)(i)(A) of the Title I regulations requires that, if an LEA reserves funds for instructional activities at the LEA level, it must calculate the proportionate share for private school children.

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## Title I Equitable Services

31

### Example



The LEA has reserved funds for a summer school program for all Title I schools or for all Title I elementary schools.

Equitable services' requirement applies.




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## Title I Equitable Services

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### Example

The LEA has reserved funds for a summer school program for all its Title I schools identified for improvement, corrective action, or restructuring.

Equitable services' requirement does not apply.




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## Title I Equitable Services

33

### Example

The LEA has reserved Title I funds to provide after-school tutoring sessions for all its Title I middle schools.




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## Title I Equitable Services

34

Section 200.65(a)(1) and (2) of the Title I regulations requires LEAs to calculate from funds reserved under section 1118 [parent involvement] of the ESEA the amount of funds available for these activities based on the proportion of private school children from low-income families residing in Title I participating public school attendance areas.

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## Title I Equitable Services

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### Example

The LEA has reserved the required one percent of its Title I allocation to provide parent involvement activities.




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## Title I Equitable Services

36

### Example

The LEA has decided to reserve two percent of its Title I allocation to provide parent involvement activities.




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## Title I Equitable Services

37

Section 200.65(a)(2) of the Title I regulations requires LEAs to calculate from funds reserved under section 1119 [professional development] of the ESEA the amount of funds available for these activities based on the proportion of private school children from low-income families residing in Title I participating public school attendance areas.

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## Title I Equitable Services

38

### Example

The LEA has reserved Title I funds to provide professional development activities because it has been identified for improvement.




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## Title I Equitable Services

39

### Example

The LEA has reserved Title I funds to provide professional development activities to all its Title I elementary schools.




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## Title I Equitable Services

Generating Funds for Title I Services  
Step 2

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## Title I Equitable Services

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Calculating the proportionate share




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## Title I Equitable Services

42

The LEA has reserved \$25,000 for summer school activities for all of its Title I schools.

# of Low-Income Children from New Jersey Private School residing within the boundaries of a Title I public school. **15**

# of Low-Income Public School Children who attend Title I public schools. **2,385**

$$15 + 2,385 = 2,400 \quad 15 / 2,400 = .63\%$$

$$.63\% \text{ of } \$25,000 = \$157.50$$

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## Title I Equitable Services

43

The LEA must add the **\$157.50** to the funds already generated for instruction for children from New Jersey Private School.

$$\text{\$6,000} + \text{\$157.50} = \text{\$6,157.50}$$

There is now **\$6,157.50** available to provide the Title I instructional program for eligible children attending New jersey Private School.

□

### Questions on this section?



## Title I Equitable Services

45

Designing the Title I Program

## Title I Equitable Services

46

### Types of services

- Direct instruction outside the regular classroom.
- Tutoring.
- Providing services to four-year old children who are enrolled in a preschool program at the private school.
- Counseling.
- Computer assisted instruction.
- Extended day programs, Saturday classes
- Summer school.




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## Title I Equitable Services

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### Who can provide the services?



- Provider of Title I services must be either an employee of the LEA or an employee of a third party under contract with the LEA.
- Title I paraprofessionals must be in close proximity and under the direct supervision of an HQ public school teacher.
- Private school teachers may be employed by both the private school and the LEA; however, they must be independent of the private school during the time they are employed by the LEA to provide Title I services.
- LEA teachers providing Title I services must meet HQT requirements.

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## Title I Equitable Services

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### Selection Criteria

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## Title I Equitable Services



Let's take a closer look at  
some examples of  
FINDINGS

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## Title I Equitable Services



The response when asked "how are children selected?"

"Eligible children will be those scoring below 45%."

"Eligible children are those who are eligible for free or reduced-priced meals."

"Eligible children will be identified by teacher judgment."

"All needy children regardless of residence."




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## Title I Equitable Services

Where do we find the reference?




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## Title I Equitable Services

Section 200.62(b) of the Title I regulations requires that, to be eligible for Title I services, a private school child must:

- Reside in a Title I participating public school attendance area; and
- Meet the requirements in section 1115 of the ESEA which requires the LEA to use multiple, educationally related, objective criteria.

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## Title I Equitable Services

**Multiple, educationally related, objective criteria**



- Grades preK – 2 – selected solely on the basis of teacher judgment, interviews with parents, developmentally-appropriate criteria.
- Poverty is NOT a criterion.
- Homeless, 2 preceding years in Head Start, Even Start, Early Reading First, Title I Preschool, Title I, Part C (Migrant Education).

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## Title I Equitable Services

**Maintaining Control of the Program**

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## Title I Equitable Services



Let's take a closer look at  
some examples of  
**FINDINGS**

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## Title I Equitable Services

Evidence of not maintaining control of the Title I program  
provided to eligible private school children:



- Private school officials signed the timesheets of Title I employees.
- Contractor determined that Title I services would be provided in an additional subject area (without LEA knowledge).
- LEA officials did not monitor the Title I program being provided for eligible private school children.

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## Title I Equitable Services



Let's examine some  
additional examples  
of  
activities that raised  
**"red flags."**




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## Title I Equitable Services

Where do we find the reference?




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## Title I Equitable Services



Section 1120(d)(1) of the ESEA requires that the LEA maintain control of the Title I funds, materials, equipment and property.




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## Title I Equitable Services

Section 9306(a) of the ESEA requires that:

- The program will be administered in accordance with all applicable statutes and regulations; and
- The subgrantee will maintain control of the program.

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## Title I Equitable Services

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Maintaining control of the Title I program also means that the LEA designs and implements the Title I program for its children who attend private schools.




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## Title I Equitable Services

62

 The **LEA** cannot delegate its responsibility to private school officials.

 Private school officials do not develop plans or make budget decisions. This is an **LEA responsibility**.

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**Questions on this section?**




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## Title I Equitable Services

### Evaluation of the Program

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## Title I Equitable Services



Let's take a closer look at  
some examples of  
FINDINGS

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## Title I Equitable Services

The response when asked "how is the Title I program evaluated ..."

- "Pre and post test scores."
- "The LEA will analyze test scores."
- "Report card grades."
- "The contractor will analyze the progress of children."
- "Standardized tests."




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## Title I Equitable Services

Where do we find the reference?




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## Title I Equitable Services

Both section 1120(b)(1)(D) of the ESEA and section 200.63(b)(5) of the Title I regulations require that the LEA consult with private school officials about how the services will be academically assessed and how the results of that assessment will be used to improve those services.

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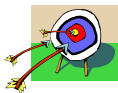
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## Title I Equitable Services

***“Begin with the end in mind.”***  
- Stephen Covey




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## Title I Equitable Services

After consulting with private school officials, the LEA must establish standards it will use to measure the effectiveness of the Title I program being provided to private school children.




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## Title I Equitable Services

- May use the State assessment or another assessment that is aligned to the agreed upon standards, such as the assessment used in the private school.
- All Title I participants are assessed annually, including children receiving nonacademic services.




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## Title I Equitable Services

Every year, the LEA, after consulting with private school officials, must determine what constitutes acceptable annual progress for the Title I program.

This decision must be made before Title I services begin.

It's not enough to just assess participants -- LEA must determine the effectiveness of the total program in raising academic achievement.

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## Title I Equitable Services

If the expected annual progress is not met, the LEA, after consultation, must review its program and determine modifications it should make in order to improve the effectiveness of the Title I program in raising the achievement of private school participants.




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## Title I Equitable Services



**Title I Funds Not to Benefit  
the General Needs  
of the Private School.**

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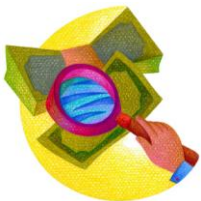
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## Title I Equitable Services



Let's take a closer look at  
some examples of  
FINDINGS

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## Title I Equitable Services

### Instruction

Title I funds used for:

- Computers for private school classrooms.
- Library books for the private school's library.
- White boards for private school classrooms.




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## Title I Equitable Services

Title I funds used for:

### Professional Development

- Workshops on how to teach reading.
- Data workshops for private school teachers to analyze data from the standardized test given to all students.
- Courses to help private school teachers become certified in reading.




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## Title I Equitable Services

Where do we find the reference?




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## Title I Equitable Services

Section 200.66(b)(2) of the Title I regulations prohibits LEAs from using Title I funds for the needs of the private school or the general needs of children in the private school.

Section 200.67(c)(1) of the Title I regulations requires that any Title I funded equipment or supplies placed in the private school are used for Title I purposes only.



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## Title I Equitable Services



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## Title I Equitable Services

Where do we find the reference?



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## Title I Equitable Services

OMB Circular A-87 Test

- Reasonable and Necessary
- Allocable
- Authorized




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## Title I Equitable Services



Your turn.

Do you know it when you see it?




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**Questions on this section?**




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## Title I Equitable Services

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RFPs, Contracts, and Invoices ..... Oh My!

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## Title I Equitable Services

86



Equitable Services  
was the #1 finding  
for the 2009-2010 monitoring cycle.



Contracting was one of the  
top monitoring five findings  
under this indicator.

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## Title I Equitable Services

87

After consultation, the LEA should know ...

- Grades to be served.
- Subject areas.
- Type of staff.
- Selection criteria.
- Evaluation.




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## Title I Equitable Services

88

After consultation, the LEA should know ...

- Private schools whose children will participate.
- When services will be provided.
- Pooling or not.
- Topics for parental involvement.
- Topics for professional development.




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## Title I Equitable Services

89

The LEA should also have identified the amount of Title I funding available for:

- Instruction.
- Parental Involvement.
- Professional Development (if applicable).




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## Title I Equitable Services



Background



- Education Department General Administrative Regulations (EDGAR) requires LEAs to use the State's procurement procedures.
- LEAs may add other procedures as long as they are not in conflict with the SEA's procedures.

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## Title I Equitable Services

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### The Request for Proposal (RFP)




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## Title I Equitable Services

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### The RFP

The RFP is an early stage in a [procurement](#) process, it issues an invitation for suppliers, often through a [bidding](#) process, to submit a [proposal](#) on a specific [service](#).




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## Title I Equitable Services



The RFP should reflect the needs of eligible private school children, their classroom teachers and parents.




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## Title I Equitable Services

94

The RFP serves two purposes:

1. The RFP provides information.



2. The RFP poses questions.

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## Title I Equitable Services

95

The RFP should provide information...

in order that perspective contractors have sufficient information to be able to respond to the questions posed in the RFP.

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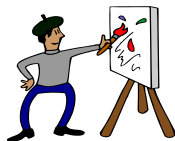
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## Title I Equitable Services

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The RFP should provide a "picture" of what the LEA expects in its Title I program for private school children.




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## Title I Equitable Services

97

### The RFP should provide information about:

- Private schools.
- Grades.
- Subject(s).
- Selection criteria.
- When.
- Amount of funding for instruction, parental involvement, and professional development for the private school classroom teachers (if applicable).

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## Title I Equitable Services

98

### The RFP should provide information about:

- Evaluation.
- Information that the services should support the private school curriculum.
- Information that the services must be supplemental.
- Topics - parental involvement.
- Topics – professional development (if applicable).
- Information about pooling.

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## Title I Equitable Services

99

### The RFP should provide information about:

- All the tasks that the LEA wants completed.
- The list of required deliverables with due dates.
- The scoring rubrics the review panel will use.
- How to complete the proposal.
- The fact that the amount of funds available for instruction, professional development, and parental involvement are not negotiable and may vary from year to year.




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## Title I Equitable Services

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The RFP should pose questions to perspective contractors about the proposed program that they will deliver.




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## Title I Equitable Services

101

The RFP should ask questions of perspective contractors.

How will you ensure that the Title I services are supplemental?

What parental involvement will you provide?

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What professional development will you provide to private school classroom teachers?

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## Title I Equitable Services

102

The RFP should ask questions of perspective contractors.

What materials, supplies and equipment will you need?

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How will you complete the evaluation?

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How will you coordinate with private school staff?

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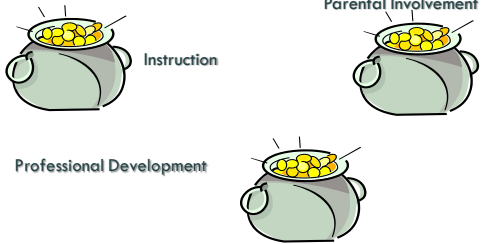
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## Title I Equitable Services

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### Title I Funding




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## Title I Equitable Services

104

In order to meet Equitable Services requirements an LEA *must* –

- Provide eligible private school children with an opportunity to participate.
- Meet the equal expenditure requirements for instruction, professional development, and parental involvement.
- Assess student needs and the effectiveness of the Title I program.
- Begin Title I programs at the same time as the Title I programs for public school children.

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## Title I Equitable Services

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It may be helpful to provide definitions in the RFP:




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## Title I Equitable Services

106



### { Example } INSTRUCTIONAL COSTS

For the purposes of this contract, instructional costs are defined as:

- Teacher and instructional aide salaries, including fringe benefits;
- Instructional materials, including such items as books, computers and software for student use, workbooks, and supplies.

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## Title I Equitable Services

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### { Example } PARENTAL INVOLVEMENT COSTS

For the purposes of this contract, parental involvement costs are defined as:

Costs the contractor incurs to provide parental involvement activities to parents of participating private school children.

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## Title I Equitable Services

108

### { Example } PROFESSIONAL DEVELOPMENT COSTS

For the purposes of this contract, professional development costs are defined as:

Costs the contractor incurs to provide professional development activities to private school teachers of participating private school children.




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## Title I Equitable Services

109

What about other costs that the contractor may incur?

- Supervisors.
- Office overhead and staff.
- Profit/fee.
- Professional development for employees of contractor.
- Travel, supplies needed to provide the services.




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## Title I Equitable Services

110

### Administration




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## Title I Equitable Services

111

{ Example }

### ADMINISTRATIVE COSTS

For the purposes of this contract, administrative costs are defined as:

Costs the contractor incurs to administer the program, including but not limited to salaries and fringe benefits for the Director, assistants as needed, area supervisors, and support staff, office rent and utilities, office equipment and supplies, postage and mailings, telephone, travel, special capital expenses, escort time, professional development for Title I teachers and supervisors who are employees of the contractor, and the contractor's fee (profit).

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# Title I Equitable Services

112

In order to address the different amount of funding that is available each year, an LEA may ask contractors to indicate that administration will be calculated as a percentage of instructional funds rather than a flat fee.



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# Title I Equitable Services

OMB Circular A-87 Test:

- Reasonable and Necessary
- Allocable
- Authorized



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# Title I Equitable Services

The Review Process



Points should be awarded by the review panel to perspective contractors who have plans or descriptions that accurately reflect the Title I equitable services requirements.



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## Title I Equitable Services

The chosen program should offer the best match to the expectations of the LEA.




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## Title I Equitable Services

Negotiating ...

The only amount that can be negotiated is the amount that the contractor charges for administration.

10%?

25%?

14%?

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## Title I Equitable Services

117

**Writing The  
Contract**




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## Title I Equitable Services

118

### Statements that should be included:



- All equipment purchased with Title I funds is the property of the LEA, not the contractor.
- The contractor will comply with all Title I statutory and regulatory requirements.
- The LEA has the right to withhold payment if any requirement is not met.




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## Title I Equitable Services

119

### Statements that should be included:

- The LEA will inform the contractor by \_\_\_\_\_ the amount of funds available for all activities (instruction, professional development, and family involvement).
- The contract may be modified if there is a reauthorization of the ESEA during the performance period of the contract.
- A description of the procedures for submission of invoices by the contractor including how often they are to be submitted.

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## Title I Equitable Services

120

### Other Information that should be included in both the RFP and the contract:

Clauses that address GEPA and ESEA requirements.

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## Title I Equitable Services

121

What are ESEA and GEPA requirements?




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## Title I Equitable Services

Section 9306(a) of Elementary and Secondary Education Act (ESEA) requires that:

- The program will be administered in accordance with all applicable statutes and regulations; and
- The subgrantee will maintain control of the program.

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## Title I Equitable Services

Section 443(a) of General Education Provisions Act (GEPA) requires subrecipients to maintain records that fully disclose:

- How the funds were used.
- Total cost of the activity for which the funds were used.
- Other records that will facilitate an effective audit.

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## Title I Equitable Services

124

The contract should require:



- That invoices have separate categories for instructional, professional development, parental involvement, and administrative costs.
- Sufficient documentation from the contractor prior to payment of the invoice.

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## Title I Equitable Services

125

Beware the tempting contract template




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## Title I Equitable Services

126

Beware the tempting contract template




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## Title I Equitable Services

### Phrases That Can Be Problematic

- The contractor will provide input to the selection of professional development ...
- The amount of \_\_\_\_\_ will be paid in equal monthly installments ....
- LEA and private school officials will not ...

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## Title I Equitable Services

Whichever type, the contract must reflect that the contractor is required to provide information about:

- How the funds were used.
- Total cost of the activity for which the funds were used.
- Other records as will facilitate an effective audit.



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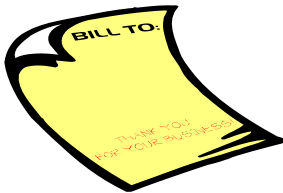
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## Title I Equitable Services

Invoices



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## Title I Equitable Services

130

The LEA should require:



- That invoices have separate categories for instructional, professional development, parental involvement, and administrative costs.
- Sufficient documentation from the contractor prior to payment of the invoice.

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## Title I Equitable Services

Invoice  
Best Contractor  
September 1, 2011 – September 30, 2011

Instruction \_\_\_\_\_  
Parental Involvement \_\_\_\_\_  
Professional Development \_\_\_\_\_  
Administration \_\_\_\_\_  
Total \_\_\_\_\_

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## Title I Equitable Services

132

### Documentation

Detail must be sufficient to enable the LEA to determine that the requested invoices are in accordance with Title I requirements and the GEPA.

- Name and salary of each teacher.
- Instructional materials purchased.
- Specific administrative costs, such as supervisor's salary, office expenses, travel costs, capital expense type costs, and fees.

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## Title I Equitable Services

**\$100,000 – Instruction** (*salaries, materials, equipment*)

**\$17,000 – Professional Development** (*personnel to provide professional development activities to classroom teachers of participating private school children*)

**\$5,000 – Parental Involvement** (*personnel to provide activities to the families of participating private school children*)

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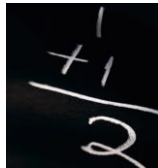
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## Title I Equitable Services

134

At the end of the school year, the instructional, professional development, and family involvement costs charged on the invoices should total the amount of funds generated by poverty private school children.




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## Title I Equitable Services

135

Let's discuss *Example Contract*

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## Questions?



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**(202) 205-4158**

## Title I Equitable Services

### Resources

- U.S. Department of Education Web Site [www.ed.gov](http://www.ed.gov)
- Office Student Achievement and School Accountability (SASA) Web Site  
<http://www2.ed.gov/about/offices/list/osee/sasa/index.html>
- Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit:  
<http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>
- Title I Services to Eligible Private School Students:  
<http://www.ed.gov/programs/titleiparta/psguidance.doc>